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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,380	01/29/2001	Manfred Lilge	112740-142	1172

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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/772,380

**Applicant(s)**

LILGE, MANFRED

**Examiner**

Eugene Yun

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Kundorf (WO 99/09763 which has the corresponding translation of U.S. Publication No. 6,553,217 B1).

Referring to Claim 1, Kundorf teaches a method for the setup and charge-related billing of a telecommunication connection from a telecommunication line unit of a communication network to a target telecommunication line unit, the method comprising the steps of:

controlling the setup of the telecommunication connection with an intelligent network OP/SP (fig. 1) (also see col. 2, lines 29-35);

providing, via the intelligent network, bits of information required for the charge-related billing PNL (fig. 1);

charging the telecommunication connection at a preference charge rate when the target telecommunication line unit belongs to a previously made selection of target telecommunication line units, and charging the telecommunication connection at a charge rate that is more expensive than the preference charge rate when the target

telecommunication line unit does not belong to the previously made selection of target telecommunication line units (see col. 5, lines 44-61).

Referring to Claim 2, Kundorf also teaches querying from a data memory allocated to the intelligent network whether the target telecommunication line unit belongs to the selection of target telecommunication line units (see col. 2, lines 18-23).

Referring to Claim 3, Kundorf also teaches forwarding the bits of information required for the charge related billing to a charge unit BC (fig. 1), which is present in the communication network for the charge billing, after the telecommunication connection has been completed (see col. 2, lines 14-18).

Referring to Claim 4, Kundorf also teaches reducing a prepaid charge credit by the intelligent network by an amount deriving from a duration of the telecommunication connection and one of the preference charge rate and the charge rate that is more expensive than the preference charge rate (see col. 2, lines 23-28).

Referring to Claim 5, Kundorf also teaches a service control point (SCP) of the intelligent network sending both a connection message and a charge message to a service switching point of the intelligent network, with the service switching point, in turn, setting up the telecommunication connection from the telecommunication line unit to the target telecommunication line unit (see col. 3, lines 31-37).

Referring to Claim 6, Kundorf also teaches the charge message effecting the bits of information required for the charge-related billing to be deposited in the service switching point (see col. 5, lines 18-24).

Referring to Claim 7, Kundorf also teaches the bits of information relating to a beginning and type of the telecommunication connection (see col. 6, lines 28-32).

Referring to Claim 8, Kundorf also teaches additional bits of information about an end of the telecommunication connection deposited in the service switching point after the telecommunication connection has been completed (see col. 9, lines 10-14).

Referring to Claim 9, Kundorf also teaches that upon receipt of the charge message from the SCP, the service switching point sending a further message to a switching center associated with the telecommunication line unit which, in turn, prepares and forwards fee information back to the service switching point after the telecommunication connection has been completed (see col. 8, lines 35-45).

### ***Response to Arguments***

3. Applicant's arguments filed 1/8/2004 have been fully considered but they are not persuasive.

The applicant argues that the Kundorf reference does not teach "controlling the setup of the telecommunication connection with an intelligent network". Without any further details in the claim to suggest otherwise, the examiner can read on that aspect of the claim to simply explain that a network can be setup in order to be "intelligent" enough to store and recall certain destination numbers in which a lower tariff rate is assessed if the number is called from a specific mobile station, which the Kundorf reference clearly teaches. The term "intelligent network" is a broad term defined in many different ways in different patents. There must be more detail in the definition of

"intelligent network" in the claim in order for the examiner to consider that it is patentable over the cited prior art.

4. Applicant's arguments with respect to claims 5-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2682


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eugene Yun  
Examiner  
Art Unit 2682

EY

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
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